

REMARKS

The Office Action of May 12, 2005 has been carefully considered. New claim 23 is added. Claims 14-17, and 23 are pending.

35 U.S.C § 102(b)

Claims 14, 15 and 17 are currently rejected under 35 U.S.C § 102(b) as anticipated by U.S. Patent No. 2,885,360 to Haden et. al. ("the '360 patent). This rejection is traversed.

The '360 patent is directed to a process for "bodying organic liquids." More specifically, the '360 patent teaches a process for increasing the viscosity characteristics of organic liquids of all types and lists a full 65 lines of organic liquids that can be used. By definition, "organic liquids" excludes water and therefore the '360 patent fails to teach one of the two required ingredients in a clay slurry.

In contrast, the pending claims are directed to a clay slurry and specifically recite water as one of the three components required for the slurry. The Office Action asserts that the '360 patent discloses adding water. However, the addition of water in the '360 patent is only for the purpose of adjusting the "free moisture" content of the clay, which clay is subsequently mixed with the organic liquid. The "free moisture" of the clay is significantly different quantitatively and functionally from the step of adding water to clay to produce a slurry. In fact, the '360 patent teaches that the free moisture vaporizes during the heating of the dispersion.

Instead of a slurry, the '360 patent teaches producing an organic dispersion. Because of the differences in solubility, a clay slurry would create problems in the process of the '360 patent. This is supported by the fact that the only time the term slurry is mentioned in the '360 patent is in reference a preparatory step to remove grit from the clay. See Column 5, lines 47-63. In that step a slurry is prepared and centrifuged. And more importantly, the slurry is then dried to remove the water so it can then subsequently be used in the dispersion.

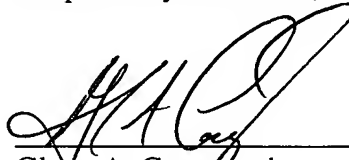
The '360 patent does not disclose a clay slurry comprising water, clay and a phosphonate additive, therefore the current claims are not anticipated. Additionally, the current claims are not obvious over the '360 patent as there is no suggestion that the required organic liquid of the dispersion can be substituted with water to form a slurry.

Finally, new claim 23 is added which specifies that the phosphonate additive is a

diphosphonic acid or salt thereof. Among the long list of dispersing agents recited in the '360 patent, diphosphonic acids are not identified or suggested.

In view of the foregoing, Applicants submit that all pending claims are in condition for allowance and request that all claims be allowed. The Examiner is invited to contact the undersigned should he believe that this would expedite prosecution of this application. It is believed that no fee is required. The Commissioner is authorized to charge any deficiency or credit any overpayment to Deposit Account No. 18-1160.

Respectfully submitted,



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